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PATENT COOPERATION TREATY

From the:

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Corrrected Copy
MR. Saltzman

To:
 ROBERT R. JACKSON.
 C/O FISH & NEAVE
 1251 AVENUE OF THE AMERICAS
 NEW YORK, NY 10020

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WRITTEN OPINION

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MAR 19 2004

(PCT Rule 66)

FISH & NEAVE - PATENT DEPARTMENT

RECORDED TO: FISH & NEAVE

APPLICANT'S OR AGENT'S FILE REFERENCE: RECD BY: AMS

Date of Mailing
(day/month/year)

16 MAR 2004

REPLY DUE

CD/001 PCT

within 2 months/days from
the above date of mailing

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US01/09452

23 March 2001 (23.03.2001)

23 March 2000 (23.03.2000)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06F 17/60 and US Cl.: 705/1

Applicant

CODIAL INC.

DOCKETED FOR May 16, 2004

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.

For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23 July 2002 (23.07.2002).

Name and mailing address of the IPEA/US
 Commissioner of Patents and Trademarks
 Box PCT
 Washington, D.C. 20231

Faxsimile No. (703)305-3230

Authorized officer

Jim P Trammell

Telephone No. 703-305-3900

Form PCT/IPEA/408 (cover sheet)(July 1998)

Express Mail:

EX1 271752165

WRITTEN OPINION

International application No.

PCT/US01/09453

I. Basis of the opinion

1. With regard to the elements of the international application:*

- the international application as originally filed
 the description:

pages 1-44 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____

- the claims:

pages 45-79 _____, as originally filed
 pages NONE _____, as amended (together with any statement) under Article 19
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____

- the drawings:

pages 1-17 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____

- the sequence listing part of the description:

pages NONE _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- contained in the international application in printed form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages NONE _____
 the claims, Nos. NONE _____
 the drawings, sheets/fig NONE _____

5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINIONInternational application No.
PCT/US01/09452**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims 1-174	YES
	Claims NONE	NO
Inventive Step (IS)	Claims NONE	YES
	Claims 1-174	NO
Industrial Applicability (IA)	Claims 1-174	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-174 lack an inventive step under PCT Article 33(3) as being obvious over Morrill Jr.. Morrill Jr. teaches a user conducting financial transactions using a wireless device (abstract). Specifically, Morrill Jr. implements his system using transaction codes, PINs, user registration and recording payment information (figures 1-3E; column 1, lines 13-23; column/line 2/13-12/28). Morrill Jr. does not explicitly recite aural communications. However, it would have been obvious to conduct financial transactions such as toll payment or purchasing goods and services by aural means as a user interacts with the Morrill Jr. system using a wireless device such as a cellular phone (abstract).

US 5,991,749 A (MORRILL, Jr) 23 November 2001 , abstract;figures 1-3F; column/line 2/17-12/27

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ROBERT R. JACKSON
C/O FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

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COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE

Date of Mailing
(day/month/year)

16 MAR 2004

Applicant's or agent's file reference CD/001 PCT	REPLY DUE see paragraph 1 below
International application No. PCT/US01/09452	International filing date (day/month/year) 23 March 2001 (23.03.2001)
Applicant CODIAL, INC.	

1. REPLY DUE within ____ months/days from the above date of mailing
 NO REPLY DUE

2. COMMUNICATION:

The Written Opinion mailed 22 April 2003 incorrectly indicated an international application number of PCT/US01/09542. It should have instead indicated the international application number PCT/US01/09452. The attached corrected Written Opinion correctly indicates the international application number as PCT/US01/09452. No other changes have been made.

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer DIANA L OLEKSA <i>D. L. Olek</i> Telephone No. 703-305-2357
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ROBERT R. JACKSON.
C/O FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

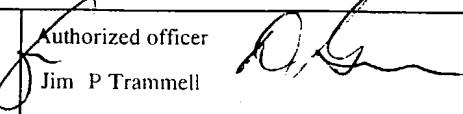
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WRITTEN OPINION

(PCT Rule 66)

		Date of Mailing (day/month/year) 16 MAR 2004
Applicant's or agent's file reference CD/001 PCT		REPLY DUE within 2 months/days from the above date of mailing
International application No. PCT/US01/09452	International filing date (day/month/year) 23 March 2001 (23.03.2001)	Priority date (day/month/year) 23 March 2000 (23.03.2000)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/1		
Applicant CODIAL INC.		

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Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Jim P Trammell  Telephone No. 703-305-3900
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